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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			EXAMINER BROWN, VERNAL U	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/481,512
Filing Date: January 12, 2000
Appellant(s): ZONDERVAN, QUINTON YVES

Zondervan, Quinton Yves
For Appellant

EXAMINER'S ANSWER

MAILED

JUN 3 0 2004

Technology Center 2600

This is in response to the appeal brief filed April 1, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

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The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

The rejection of claims 9, 12, and 46-47 under 35 U.S.C. 112, second paragraph has been withdrawn from consideration.

Claims 9, 12, 14, and 21-46 are rejected under 35 U.S.C § 102(b) as being anticipated by U.S Patent No. 5,742,905 to Pepe et al. Claim 47 is rejected under 35 U.S.C § 103(a) as being obvious over Pepe et al. in view of U.S Patent No. 6,223,213 to Cleron et al.

(4) *Status of Amendments After Final*

The amendment after final rejection filed on April 1, 2004 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

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(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 9, 12, 14, and 41 do not stand or fall together; claims 21, 22, 26, and 30-33 do not stand or fall together; claim 23 stand or fall alone; claim 24 stand or fall alone; claims 25 and 38 stand or fall together; claims 27 and 42 stand or fall together; 28 and 43-45 stand or fall together; 29 and 39 stand or fall together; claim 34 stand or fall alone; claims 35 and 36 stand or fall together; claim 37 stand or fall alone; claim 40 stand or fall alone; the claims 46 and 47 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5742905	Pepe et al.	4-1998
6,223,213	Cleron et al.	4-2001

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 12, 14, 21-46, are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al. U.S Patent 5742905.

Regarding claim 9, Pepe et al. teaches a method for managing communications of electronic messages between at least two terminal (figure 1) comprising different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices has a different message presentation (e.g. the fax machine present the message in a text format and the phone presents the message in a voice format). Pepe teaches receiving an electronic message from a first terminal device and modifying the message from the first message presentation format to a modified message presentation format and send the modified message presentation format to the second terminal device by carrying out a media conversion (col. 6 lines 3-5) and (col. 6 lines 11-14).

Regarding claim 12, Pepe et al. teaches that the subscriber provides the network with message routing and delivery instructions and that the instructions are store in a subscriber profile (col. 6 lines 22-24).

Regarding claim 14, Pepe et al. teaches a method for managing communications of electronic messages between at least two terminal (figure 1) comprising different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices has a different message presentation (e.g. the fax machine present the message in a text format and the phone presents the message in a voice format). Pepe teaches receiving an electronic message from a first terminal device and modifying the message from the first

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message presentation format to a modified message presentation format and send the modified message presentation format to the second terminal device by carrying out a media conversion (col. 6 lines 3-5) and (col. 6 lines 11-14). The conversion of the message format is achieved by the network shown in figure 4 and discuss in col. 8 lines 31-53. The network includes a computer that inherently is controlled by computer codes.

Regarding claim 21, Pepe et al. teaches an integrated messaging system (figure 3) comprising different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. The integrated messaging system further comprises a server system (col. 4 lines 38-40) that receives electronic messages sent from one of the terminal devices and modifies the electronic message to appear as though sent by the other terminal device.

Regarding claims 22-24, Pepe et al. the integrated messaging system (figure 1) shows devices such as a fax machine sending messages to other devices such as a pager. The presentation formats of these devices are different therefore the modified message presentation format is different from the first message presentation format.

Regarding claims 22-24, Pepe et al. the integrated messaging system (figure 1) shows devices such as a fax machine sending messages to other devices such as a pager. The presentation format of these devices is different therefore the modified message presentation format is different from the first message presentation format.

Regarding claims 25 and 38, Pepe et al. teaches the user profile controls the delivery of outgoing messages and the delivery of incoming messages (col. 6 lines 23-27). The message presentation format is therefore specified by the user profile (user of the first terminal).

Regarding claim 26-28, Pepe et al. teaches the transmission of a message from one terminal device to a different terminal device (figure 1). Therefore the presentation format corresponds to a type of terminal other than the first terminal device.

Regarding claim 29 and 39, Pepe et al. teaches the user profile controls the delivery of incoming messages (col. 6 lines 25-27). This is understood to mean that the user receiving a message determines the presentation format of the message.

Regarding claim 30, Pepe et al. teaches a first terminal device is a wireless terminal device (32).

Regarding claim 31, Pepe et al. teaches the wireless device is a pager (34).

Regarding claim 32, Pepe et al. teaches electronic message transmitted to the wireless terminal by performing a summary function on the electronic message (col. 20 lines 13-14). The scripting agent serves the function of translating one message format to another therefore the summary function is inherently performed by the scripting agent.

Regarding claim 33, Pepe et al. teaches that the subscriber provides the network with message routing and delivery instructions and that the instructions are store in a subscriber profile (col. 6 lines 22-24). Pepe et al further teaches the electronic message transmitted to the wireless terminal by performing a summary function on the electronic message (col. 20 lines 13-14). The scripting agent serves the function of translating one message format to another therefore the summary function is inherently performed by the scripting agent.

Regarding claim 34, Pepe et al. teaches a scripting agent (154) that convert text to speech (col. 10 lines 14-16) and a user profile (col. 6 lines 22-24). Pepe et al. further teaches the use of header information to send notification message to the subscriber (col. 27 lines 43-45).

Regarding claim 35, Pepe et al. teaches the user selects the formats used for delivering messages (col. 6 lines 1-3). The presentation format of the received electronic message is therefore allowed to be of the same format as that of the sending device.

Regarding claim 36, Pepe et al. teaches electronic message transmitted to the wireless terminal by performing a summary function on the electronic message (col. 20 lines 13-14). The scripting agent serves the function of translating one message format to another therefore the summary function is inherently performed by the scripting agent.

Regarding claim 37, a server system operable in an integrated messaging system (figure 5) for facilitating communications between a first terminal device and a second terminal device (figure 1). Pepe et al. teaches the terminal devices include devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. Pepe et al. further teaches modules such as a PDA/PCI interface (col. 4 lines 53-55) that receive an electronic message, modules that modify a format of the electronic message from a first presentation format to a second format (e.g. text to fax, col. 8 lines 47-48) as specified by the user profile (col. 8 lines 45-46). Pepe et al. further teaches a module that sends the electronic message in the modified message formation to the second terminal device (col. 10 lines 59-61).

Regarding claim 43, Pepe et al. teaches sending messages between different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these

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terminal devices inherently transmits and receives messages in different formats. Pepe et al. further teaches a media conversion to allow, for instance, an email message to be delivered to a fax server (col. 6 lines 3-5). An email delivers to a fax machine (second device) automatically appears as if it originates from a fax machine instead of a computer (first device for sending the email).

Regarding claim 44, Pepe et al. teaches a first terminal device is a wireless terminal device (32).

Regarding claim 45, Pepe et al. teaches the wireless device is a pager (34).

Regarding claim 46, Pepe et al. teaches a method for managing communications of electronic messages between at least two terminal (figure 1) comprising different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices has a different message presentation (e.g. the fax machine present the message in a text format and the phone presents the message in a voice format). Pepe teaches receiving an electronic message from a first terminal device and modifying the message from the first message presentation format to a modified message presentation format and send the modified message presentation format to the second terminal device by carrying out a media conversion (col. 6 lines 3-5) and (col. 6 lines 11-14). The terminal devices further inherently receive and transmit messages in the same format (e.g. a fax machine receive messages in a fax format and transmit messages in a fax format).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe et al. U.S. Patent 5742905 in view of Cleron et al. U.S. Patent 6223213.

Regarding claim 47, Pepe et al. teaches a wireless terminal device (32) and also teaches an email presentation format (col. 6 line 4) but is silent on teaching the message presentation is in the HTML format. One skilled in the art recognizes that HTML format is widely use as a presentation format for email messages as evidenced by Cleron et al. (col. 3 lines 25-30).

It would have been obvious to one of ordinary skill in the art to use HTML message presentation format in Pepe et al. as evidenced by Cleron et al. because Pepe et al. suggests an email presentation format and one skilled in the recognizes that HTML format is widely use as a presentation format for email messages as evidenced by Cleron et al.

(11) Response to Argument

The appellant argues that the presentation format conversion from the first message presentation format to a modified message presentation format is different from Pepe's delivery format conversion. The appellant repeatedly makes this argument throughout pages 6-18. It is the examiner's position that Pepe et al. teaches a method for managing communications of electronic messages between at least two terminal (figure 1) comprising different terminal devices such as

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cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices has a different message presentation (e.g the fax machine present the message in a text format and the phone presents the message in a voice format and a message transmitted in a fax format (first format) in presented by the phone in a voice format (second format). The terminal devices shown in figure 1 represent different delivery formats and also inherently includes different presentation format (e.g messages to a fax machine is presented on paper and messages to a pager is displayed by the pager). The “delivery format conversion” as argued by the appellant must also include a presentation format conversion in the media conversion. Furthermore, appellants interpretation of what is meant by presentation format is much broader than what is actually claimed.

Regarding appellant’s argument concerning claim 23 on page 8, Pepe et al. teaches various terminal devices including cell phone (32), pager (34), and fax machine (24). The presentation format of these devices are considered to be different because the fax machine present the message in a text format and the phone presents the message in a voice format and a message transmitted in a fax format (first format) in presented by the phone in a voice format (second format), therefore the reference of Pepe et al. anticipates the claimed limitation because the terminal devices of cell phone, pager, fax machine exhibit a first, second, and third message presentation format respectively.

Regarding appellant’s argument concerning claims 25 and 38 on pages 9-10, Pepe et al. teaches the user profile controls the delivery of outgoing messages and the delivery of incoming messages (col. 6 lines 23-27). The profile is therefore used to determine which terminal device the message will be delivered to and inherently controlling the delivery format.

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For the above reasons, it is believed that the rejections should be sustained.

Conclusion

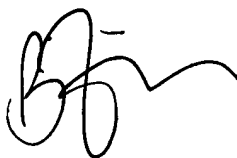
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

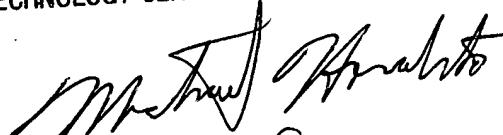
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.


Vernal Brown
June 28, 2004

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